

Felix: Protest: Sacco-Vanzetti and the Intellectuals

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Protest: Sacco-Vanzetti and the Intellectuals. BY RALPH FELIX. Bloomington: Indiana University Press. Pp. 249. \$5.95.

Today's disorders accompanying demonstrations and sit-ins of all kinds seem a little bewildering in their turbulence to those untouched by the emotions which characterize them. Yet, in the retrospect of history, they seem pallid when contrasted with the mob violence which, forty years ago, well nigh thwarted the efforts of the State of Massachusetts to bring to a final conclusion its prosecution of two anarchists convicted of murder.

In "Protest," a well documented book concerning the Sacco-Vanzetti trial of the 1920's, the author lifts the veil which up to this time has shielded some of the chief actors from exposure to public view, and enables us to appraise the questionable methods used by the defense to obtain hearing after fruitless hearing for some six years, and to organize mass protest against imposition of the extreme penalty. After reading the evidence and reams of published material, and after conferring with numerous actors in the drama, the author comes to the conclusion that the prisoners had a fair trial free of substantial error, and were in fact guilty of murder in attempting to rob a payroll truck. He also charges that the many persons of high repute who organized committees to win clemency for them, were misled by their emotional involvement into unfounded accusations of judicial prejudice and denial of justice. When it is realized that among those active in the movement to save the accused were names like Felix Frankfurter and Walter Lippmann; H. G. Wells, John Galsworthy and Romain Rolland, and numerous other leaders in art and literature, the furor which the trial and subsequent battle for clemency engendered can be understood.

However, the principal thesis of the book is that, although these liberal intellectuals lost their battle for the lives of the two foreign-born radicals who they charged were railroaded to their doom because of their beliefs, nevertheless they went on to become the great social force which is winning the battles of liberalism of this day.

The story of the trial reads like numerous others in the annals of American criminal justice.

One afternoon, in the year 1920, an automobile containing five men comes upon two payroll guards conveying funds into the Slater and Morrill plant in South Braintree, Massachusetts. Shots are fired to which both guards ultimately succumb. The killers get away with the money, then part company. Some weeks later they are apprehended on a street car, and upon being searched each is found with a loaded pistol, of which one is established by ballistics tests as having fired the fatal shots. At the trial a number of witnesses identified the prisoners as having been at the scene of the crime and even as being the perpetrators. Their defense was an alibi, which was attested by a number of witnesses, most of them of the prisoners' nationality and friendly to their defense. The prisoners both testified, frankly admitting their activities in the radical fringe of the labor movement and their dissemination of quantities of inflammatory literature found in their quarters. The trial consumed some seven weeks and resulted in verdicts of guilty and sentences of death.

Then followed motions for new trial, based upon alleged discovery of new evidence, upon alleged perjury by State's witnesses and upon alleged errors during the trial. Some of the affidavits of recanting witnesses were, in turn, shown to have been obtained by duress, by financial offers or other improper

means. No charge of prejudice of the trial judge was made until the case reached the Supreme Judicial Court of Massachusetts, some two years after the trial. The reviewing Court found no merit in the point, or in any other advanced by the defense.

At this point in the narration, the case changes from criminal jurisprudence into a vehicle of propaganda to convince the toiling masses throughout the world that two innocent radicals had been unjustly convicted by American capitalist justice for a crime which workingmen could not possibly have committed, namely, the crime of armed robbery and murder of other workingmen. The Communist Party joined the defense committee, and between them and the crowd of liberal sympathizers, a drum-fire of pamphlets and periodicals appeared, which turned the country into angry protestants on the one hand, and on the other into stubborn supporters of the rightness of the verdict.

Since there was ample evidence to justify conviction, the major attack on the verdict finally came to rest on the alleged prejudice of the trial judge, based mainly on indiscreet remarks made by him to friends outside the courtroom, indicating his dislike for the defense and their way of life. However, no improper conduct was shown during the trial.

Nevertheless the imprudent remarks of the trial judge were blown up to such proportions that despite rejection by the final reviewing court, the Governor of Massachusetts found it desirable to read the record of the case in passing on an application for clemency, and even to interview numerous witnesses himself, over 100 in number. In addition, he appointed an advisory committee, consisting of President Lowell of Harvard, President Stratton of Massachusetts Institute of Technology and Robert Grant, a probate judge, to examine the proceedings, and even the trial judge, to see if a proper basis could be found for executive clemency. Their opinion, added to his own, that there was no proper basis, was the signal for vituperation seldom matched in American jurisprudence. And the mass meetings in every major capitol in the world, culminating with attempts to storm American embassies, strongly remind one of similar actions today, which are successful only because of lack of police restraint.

Of more than passing interest are the recounting of efforts to obtain the sympathetic interest of members of the United States Supreme Court and of their steadfast refusal to allow a foothold for further attack. However, despite thousands of letters and numerous public meetings of protest, the verdict stood and the prisoners were finally executed.

While the book needs no justification in its colorful review of a celebrated trial and its conclusion that in retrospect it appears there was no fair basis for attack on the trial judge, the jury, or the verdict, the ultimate conclusion reached by the author seems questionable. This is the conclusion that the liberals proceeded from their charge of innocence betrayed in the case of Sacco and Vanzetti to an awareness of the great betrayal they saw pervading American society, and that they went on to achieve power later by attacking failures of the national leadership; that it gave the liberals a sense of unity which prepared them to take advantage of the more profound disturbances, which the great depression introduced.

In answer, it might be noted that even long before the time of Herbert Spencer there had come into being a strong social welfare tinge to the writings and speeches of many authors and publicists. The muckrakers, such as Upton

Sinclair, Lincoln Steffens and Oswald Garrison Villard were in their heyday well before the 1920's, and only moved in later to reinforce another bastion in their attack on America's social order. Had there been no great depression, no one can say whether Franklin Roosevelt could have engineered the social revolution which is still raging among us. Possibly, therefore, the author gives far too much credit to the social reformers who made common cause with their charges of venality in the American judicial system, as evidenced in the alleged injustice in the Sacco-Vanzetti trial—and not enough to the socialism which was their common character.

Nevertheless, the book is a fascinating study for social philosopher, and latter-day historian, as well as the student of contemporary social reform movements. It foreshadows the effectiveness of organization by the masters of communication media were there to be a similar occasion in the future, and bodes ill for the community's defense against violence in aid of a concerted attack on laws distasteful to any substantial minority of the population.

An impressive bibliography is included and a helpful index. Further writings by this author in his chosen field of intellectual history should be welcome.

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The Opinionmakers. BY WILLIAM L. RIVERS. Boston: Beacon Press, 1965. Pp. 1-207. \$4.95.

Why did President Kennedy find it necessary to appeal to the New York Times to withhold publication of a story it had been working on for months?

What are the bases of President Johnson's relationship with the press in Washington?

These and other quotations from the book jacket might lead the prospective reader to believe that between the gray covers is contained a startling exposé of the world of political news reporting. However, Dr. Rivers musters at best a concise report, written in a clear and straightforward style, of the "Opinion-makers" in action.

The notion that startling revelations are in store for the reader who can contain his anticipation is continued in the introduction. The first few pages are riddled with quotations from such historically notable figures as Patrick Henry, Thomas Jefferson and Abraham Lincoln. The reader, as he plows through each quotation, attempts to glean the precise purpose for their at-length inclusion. It appears at first incomprehensible that the quotations were selected at random, and as one passes from Henry to Jefferson and Jefferson to Lincoln, the author's scheme appears subtle, so subtle, in fact, as to be indiscernible. By the end of the introduction, the reader experiences but one revelation and that is that no exposés, or even state secrets, are to be found, but that the author's "long background of experience in Washington, D.C."¹ has prompted the writing of an insider's presumably factual account of the Washington news scene.

While the reader can feel an acute sense of disappointment at the prospects for the remaining chapters of the book, the balance is possibly worth reading. "All I know is what I read in the newspapers" is the quip offered by Will Rogers. Even out of context, the statement indicates that most, if not all, of the Ameri-

¹ THE OPINIONMAKERS, back of book jacket (1965).